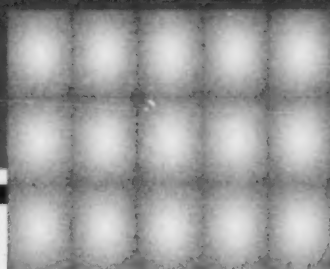


# Off-Site Retail Wine Store Appointment

**TERMS and CONDITIONS**

A GUIDE FOR  
LIQUOR APPOINTEES  
IN BRITISH COLUMBIA

August 2008



Ministry of  
Housing and  
Social Development

## **This guide . . .**

provides essential information for those holding off-site retail wine store appointments. This information applies to any kind of off-site retail wine store (a wine store that is not on the site of the winery where the wine was manufactured), including winery-operated stores, independent wine stores, VQA stores and tourist wine stores.

It does not apply to other types of appointments.

Information for wineries, breweries and distilleries holding on-site retail liquor store appointments is included in their licensee guides.

For copies of these other guides, please call, email or click:

Phone (toll free): 1 866 209 2111

E-mail: [lclb.lclb@gov.bc.ca](mailto:lclb.lclb@gov.bc.ca)

Website:

[http://www.gov.bc.ca/hsd/lclb/publications/index\\_pubs.htm](http://www.gov.bc.ca/hsd/lclb/publications/index_pubs.htm)

Off-Site Retail Wine Store Appointment  
Terms and Conditions  
A GUIDE FOR LIQUOR APPOINTEES  
IN BRITISH COLUMBIA

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# Introduction

## This Guide

This guide outlines the requirements for operating an off-site retail wine store. (On-site stores - a store located at the same site as the winery, distillery or brewery - are dealt with in the Terms and Conditions guide for wineries, or for breweries and distilleries).

We work toward voluntary compliance and will assist you in complying with the Act, regulations, and policies. If you have any questions surrounding information in this guide please feel free to contact us.

As an appointee (someone who holds an off-site retail wine store appointment) you must follow these terms and conditions - and any further terms and conditions that might be printed on the face of your Certificate of Appointment or contained in letters issued to you by the general manager of the Liquor Control and Licensing Branch - at all times.

It is your responsibility to operate your business so that it complies with the law and with the terms and conditions of your Certificate of Appointment.

## Definitions Used in this Guide

"Agent" or "licensed agent" means:

- a liquor manufacturer who is licensed by the Liquor Control and Licensing Branch to market and sell his or her products off-site, or
- an agent licensed by the Liquor Control

### Important!

Please take time to read this guide carefully and make sure your managers and staff are familiar with the information presented here, and with any additional terms and conditions printed on the face of your licence and/or in letters issued by the Liquor Control and Licensing Branch.

and Licensing Branch and hired by a liquor manufacturer to market and sell the manufacturer's products off-site, or

- an independent agent licensed by the Liquor Control and Licensing Branch who promotes and sells imported and/or domestic products from a variety of liquor manufacturers.

"Appointee" refers to any individual, groups of individuals or corporate body holding either a British Columbia off-site retail wine store appointment or an on-site retail liquor store appointment.

"The branch" means the Liquor Control and Licensing Branch, the government agency that administers the Act.

"The general manager" means the general manager of the Liquor Control and Licensing Branch.

### Please note:

Wherever definitions, words or expressions used in this guide differ from the wording of the Liquor Distribution Act and the Liquor Control and Licensing Act and its Regulations, the legislation will prevail.

"Liquor manufacturer" or "manufacturer" means a manufacturer of liquor products (i.e., wine, beer, spirits, cider and coolers) or the corporate official of a liquor manufacturer.

"Minor" refers to an individual who is under 19 years of age - 19 is the legal drinking age in British Columbia.

"Off-site retail wine store" or "wine store" or "store" within this guide refers to any kind of off-site retail wine store (a wine store that is not on the site of the winery where the wine was made), including winery-operated off-site wine stores, off-site independent wine stores, VQA stores and tourist wine stores.

"Resident manager" refers to an individual hired to manage an establishment on behalf of an appointee who does not reside in British Columbia or who will not be present to manage the establishment on a day to day basis. This individual is considered the resident manager and must:

- be an employee of the appointee
- be a resident of British Columbia
- be approved by Liquor Control and Licensing Branch
- be 19 years of age or over, and
- cannot assume liability for the overall operation and activities of the establishment on behalf of the appointee.

"Third party operator" refers to an individual or corporation contracted by the appointee to operate the establishment if the licensee is not present to manage the establishment on a day to day basis. A third party operator must:

- not be an employee of the appointee
- be approved by the Liquor Control and Licensing Branch
- not assume accountability for the overall operation of the establishment on behalf of the licensee, and
- must be at least 19 years of age.

"Wine" refers to a range of products, including:

- table wine - red, rosé and white
- sparkling wine and crackling wine
- fortified wine, including sherry and port
- mead
- rice wine (sake), and
- cider and wine coolers.

## Updates

Appointment terms and conditions change from time to time. We will make revisions to this guide periodically and post these revisions online. The most up-to-date copy of this guide is always available on the provincial government website under "Liquor Licensing" [www.gov.bc.ca/hsd](http://www.gov.bc.ca/hsd)

## Help is Available

We understand the challenges you may face as a liquor manufacturer or agent in consistently following B.C.'s liquor laws. You should always feel free to discuss potential enforcement problems with a liquor inspector or another branch employee.

If you have any concerns or questions, please contact the Liquor Control and Licensing Branch at:

### Mailing address

PO Box 9292 Stn Prov Govt,  
Victoria, BC V8W 9J8

### Office address

2nd Floor, 1019 Wharf St.,  
Victoria, BC V8W 2Y9

### Email

[Barry.Bieller@gov.bc.ca](mailto:Barry.Bieller@gov.bc.ca)

### Phone

250-387-3934 in Victoria

### Toll-Free Phone

1-866-209-2111

You can also find a range of helpful information, application forms and links on the provincial government website:

<http://www.gov.bc.ca/hsd/>



# Background: Who is Responsible for What

## The Liquor Control and Licensing Branch

The Liquor Control and Licensing Branch is responsible for regulating and monitoring the sale of liquor in British Columbia, and for protecting the public from the harm that may be caused by making and selling liquor or products that contain alcohol.

The branch issues and supervises liquor licences and wine store appointments and monitors the activities of all liquor licensees and wine store appointees in British Columbia (including licensee retail stores - also known as cold beer and wine stores) to make sure they are following the rules laid out in the Liquor Control and Licensing Act and Regulations.

Effective November 1, 2007, the B.C. government decided to bring most retail liquor stores under the same authority and the branch also became responsible for issuing and supervising appointments to operate retail liquor stores made originally by the Liquor Distribution Branch, under the Liquor Distribution Branch Act. This includes both:

- off-site retail wine stores (wine stores that are not on the site of the winery where the wine was made, including stores associated with a particular winery or group of wineries, independent wine stores, VQA wine stores and tourist wine stores), and
- on-site retail wine, beer and spirits stores (stores that are on the site of the winery, brewery or distillery where the wine, beer or spirits were made).

### Enforcement Action

If you do not comply with the Liquor Distribution Act, the Liquor Control and Licensing Act and the terms and conditions

of your appointment, the general manager of the Liquor Control and Licensing Branch may decide to impose additional terms and conditions, or suspend or revoke your appointment.

If your appointment is suspended or revoked, you will not be able to sell wine at your retail wine store.

## The Liquor Distribution Branch

The Liquor Distribution Branch, under the authority of the Liquor Distribution Act, has the sole right to purchase beverage alcohol, both in and out of British Columbia, in accordance with the Government of Canada's Importation of Intoxicating Liquors Act. The Liquor Distribution Branch is responsible for the importation, distribution and retailing of beverage alcohol in British Columbia and operates government liquor stores and distribution centres in the province.

## Your Role as an Appointee

As an appointee, you are legally responsible for understanding how the Liquor Control and Licensing Act - and the specific terms and conditions of your appointment - affect the operation of your establishment, and for complying with the Act and the terms and conditions of your appointment. You are also responsible for making sure your employees follow B.C.'s liquor laws and the terms and conditions of your appointment, even when you are not on-site.

In addition, you must let the branch know about any changes you make to your business or to the buildings you operate. And you must cooperate with liquor inspectors and police:

- you must give liquor inspectors and police officers immediate access to all areas of your wine store as well as access to all business records upon request
- you may not delay or refuse to provide access to an inspector or police officer, and
- you must ensure that your actions and the actions of your staff do not put liquor inspectors or police at risk or prevent them from carrying out their duties.

## The Role of the Liquor Inspector

Liquor Control and Licensing Branch liquor inspectors are located in regional offices across the province. They may make unannounced visits to your place of business at any time to:

- explain the terms and conditions of your appointment
- inspect the physical layout of your store
- inspect your legal, financial and business records
- observe and record your business practices to identify gaps or weaknesses that are likely to lead to non-compliance (to you not following the Act and the terms and conditions of your appointment), and/or
- identify any contraventions of the Act and the terms and conditions of your appointment occurring in your retail wine store.

## The Role of Police

Police officers may also make unannounced visits to your store.

When the police walk through your store, they will look for evidence of any liquor contraventions, such as selling liquor to minors. If they find a contravention, they will

record it on a form called a Licensed Premises Check (LPC), leave one copy with you and send one to the Liquor Control and Licensing Branch. The branch will follow up on all LPCs, and may ask a liquor inspector to conduct a further inspection. If the inspector confirms the contravention, he or she may recommend enforcement action.

## The Role of Local Government and First Nations

A Certificate of Appointment is only one requirement in operating an off-site retail wine store in British Columbia. As an appointee, you must also deal with local governments and First Nations band councils on such issues as zoning, building bylaws, business licensing requirements and health and fire regulations.



# Managing Your Off-Site Retail Wine Store

## Physical Layout

Your off-site retail wine store may not appear to be part of - or associated with - any other business. Your store and any other business:

- must be separated by full-height walls, and
- must have separate entrances with no public doorway from one to the other.

The public must enter your store from a public thoroughfare (a street or mall corridor, for example), and not through any other business unless specifically authorized in writing by the General Manager of the Liquor Control and Licensing Branch.

## Posting Your Certificate of Appointment

You must post your Certificate of Appointment in a prominent location in your store to ensure it is immediately available for review by liquor inspectors and police.

## Providing Information to the Branch

You must be honest and accurate in providing information to the Liquor Control and Licensing Branch. If you provide misleading or incorrect information, you risk losing your Certificate of Appointment.

## Producing Documents and Records

You must allow the general manager (or a designated person such as a liquor inspector) to inspect documents and records associated with your wine store, including:

- wine sales, purchase and disposal records
- sales records for non-wine products
- agreements and contracts with wine manufacturers and agents
- lease and management contracts related to your store
- employee records
- records of any incidents or events that occurred on or near your store, and
- any court orders or judgments against you.

## Renewing Your Appointment

You must renew your Certificate of Appointment annually.

Each year, you will receive a renewal notice from the Liquor Control and Licensing Branch at the end of January, and you must file your appointment renewal by March 31st. If you do not renew your appointment by March 31st each year, your Certificate of Appointment will expire.

There is no annual renewal fee at the present time.

## Making Changes to Your Appointment

As a holder of a Certificate of Appointment, you must apply to the Liquor Control and Licensing Branch for approval before you make any changes to your off-site retail wine store. This includes moving your store to a new location.

Please see APPENDIX 1 for more

information about making changes to your appointment.

## Selling Your Store and Transferring Your Appointment to a New Owner

If you decide to sell your wine store, you may not transfer (give, sell or assign) your Certificate of Appointment to the new owner without first receiving permission from the general manager of the Liquor Control and Licensing Branch.

The general manager may permit the new owner to use the previous owners appointment certificate for up to 6 weeks while the new owner assembles the documents required to meet branch requirements.

Note: BC VQA Wine Stores held by the BC Wine Institute are not eligible to transfer the appointment(s) to a new owner.

**Please note:**

If yours is a winery-operated store ownership of both the winery and the store must be the same legal entity.

# Operating Your Off-Site Retail Wine Store

## What Wine You May Sell in Your Wine Store

The term "wine" encompasses a variety of products, including:

- table wine - red, rosé and white
- sparkling wine and crackling wine
- fortified wine, including sherry and port
- mead
- rice wine (sake), and
- cider and wine coolers.

If yours is an independent wine store, you may sell any kind of wine product, domestic or imported, including cider and wine coolers, mead and sake.

If yours is a British Columbia VQA wine store, you may sell only British Columbia VQA wines.

If yours is a tourist wine store, you may sell only 100 per cent BC-content wine.

If yours is a winery-operated store, you may sell only those wines that are made at your winery (or group of wineries, if more than one winery co-owns the store) unless stated otherwise on your certificate of appointment.

You may not sell any other types of liquor, such as beer or spirits.

## Where You May Acquire Your Wine

If yours is an independent wine store or a tourist wine store, you must purchase your wine from the Liquor Distribution Branch or from a licensed British Columbia winery. If yours is a winery-operated store you must acquire your wine from your own winery. If

yours is a VQA wine store you must acquire your wine from licensed British Columbia wineries.

## Who You May Sell Your Wine To

You may sell your wine to the general public.

You may not sell to other appointees or liquor licensees unless specifically authorized to do so in writing by the general manager of the Liquor Control and Licensing Branch.

## Samples

You may not sell wine by the glass, but you may provide samples of your wine to the general public. Please see page 14 for more on consumer tastings.

Non-winery-operated stores may also, if they so choose, arrange for consumer tastings with wine manufacturers or their agents (see section on Relationships with Wineries and Their Agents).

## Hours of sale

You may sell wine and other approved non-wine products (see below) at your wine store between the hours of 9:00 a.m. and 11:00 p.m., or as indicated on the face of your Certificate of Appointment.

## Pricing

You are responsible for setting your own prices, and you may adjust your wine prices at any time throughout the day, however, as a social responsibility measure liquor can not be sold below cost.

### Selling non-wine products

You may sell non-wine products in your wine store that have been approved by the Liquor Control and Licensing Branch. These approved products include:

- items specifically identified with storing or serving wine, such as wine racks and cabinets, ice buckets and chillers, wine glasses and corkscrews
- printed materials such as books and pamphlets concerning wine in general or specific wines that are sold in your store
- items that identify wine products for sale in your store, such as umbrellas, T-shirts and aprons
- wine-related food items, such as cheese and crackers
- wine-related soft drinks and juices, such as club soda for spritzers, and
- de-alcoholized wine.

You may not sell:

- confectionary items such as candy, gum, potato chips, etc.
- tobacco products, or
- lottery tickets.

### Selling illicit or private liquor

You may not buy, keep, sell or give illicit liquor to anyone. Illicit liquor is defined as:

- liquor purchased or otherwise obtained from a source other than your designated liquor outlet
- stolen liquor
- smuggled liquor
- liquor intended for export
- home manufactured or UBrew/UVin liquor
- liquor purchased as a medicinal, confectionery or culinary product that is being used as beverage alcohol
- liquor that has been adulterated or watered down, and

- samples left by a wine manufacturer (other than your own winery, if yours is a winery-operated store) or agent.

You are accountable for any illicit liquor found anywhere on your premises (service or storage area). For instance, you should be aware that private liquor owned by yourself or an employee or liquor you received as a gift may be construed as illicit if found in your store.

If you recently purchased your wine store and acquired your Certificate of Appointment through a transfer, you must conduct a thorough audit of all liquor on the premises to ensure none is illicit.

#### Liquor seizures and sampling:

Both liquor inspectors and the police have the authority to seize liquor they believe might be illicit.

Liquor inspectors may also take reasonable samples of liquor to determine whether the liquor is illegal, unauthorized, adulterated or contaminated.

## Maintaining a Wine Register

You must keep a detailed, written record of all the wine you acquired for your store, by date, in a wine register (A wine register is usually a book or binder where you keep your copies of the documentation you receive every time you buy wine).

Your wine register must be available for inspection by a liquor inspector or police at any time. The inspector or police officer may look at your register and compare it to your wine stock to make sure you have purchased your wine properly.

## Making Deliveries to the Public

Appointed wine stores may deliver liquor to customers under the following terms and conditions:

- Deliveries must be made by and to people legally able to consume liquor and only to a place where liquor may be legally possessed or consumed
- Liquor can only be sold and delivered to

individuals 19 years of age or older. When proof of age is required, customers must show two pieces of identification at the time of delivery. One of those pieces must be a government issued identification card such as a driver's licence with photo, name and birth date. The other piece must contain the person's name along with a signature or picture

- You may not deliver to an intoxicated person or someone under the influence of drugs
- The products that you deliver must be products that you regularly stock and have available for purchase by walk in customers
- Your charge for the liquor must be your regular retail price of the liquor plus a separate delivery charge, if any. You must inform customers of both charges when they place an order
- You must keep delivery transaction records for at least three years. These must include the date, time and address of each delivery, the products purchased, the prices charged, delivery fees and total amount paid
- Your wine must be delivered from your store location only, and
- You are responsible for making sure that anyone delivering for you follows these rules.

### Offsite Storage

You must not store your liquor product at an off-site location outside your store, such as a warehouse. This does not include warehousing wine at the winery that has produced it.

### Empty Container Returns and Refunds

You must - under B.C. environmental regulations - accept up to 24 empty container returns per person per day for the product brands and sizes you sell, and refund the full amount of the applicable container deposits.

### Games and Entertainment

Games and entertainment are not permitted in your wine store.

# Providing a Safe and Responsible Service

## Controlling Your Wine Store

You and your employees are responsible for ensuring that your customers, your staff and members of the community at large are not harmed as a result of liquor misuse or criminal activity in your store. You are also required to take steps to ensure your store does not disturb the surrounding community.

### Preventing disturbances

You must take reasonable measures to prevent disturbances. Examples of reasonable measures include:

- installing adequate lighting outside your store and in the parking lot
- supervising your parking areas, and/or
- posting signs asking your patrons not to disturb your neighbours.

### Intoxicated patrons

You may not sell wine to someone who is intoxicated.

If an intoxicated person enters your store, write down the details - time, date, what action you took - in an incident log, so that you have the information available for a liquor inspector or police officer on request.

### Minors

Minors, under the age of 19, are allowed in an off-site retail wine store only when accompanied by a parent or guardian. You may not employ minors to work in your wine store.

It is against the law to sell, serve, or supply liquor to a minor.

### ID requirements

When you verify a customer's age, you or your employees must ask for two pieces of identification.

The first piece of identification must:

- be issued by a government agency (e.g., a passport or driver's licence), and
- include the person's name, signature, birth date and picture.

The second piece must:

- include an imprint of the holder's name (e.g., a credit card or Care Card), and
- include the person's signature and/or picture

If the person cannot produce two pieces of acceptable identification that proves he or she is 19 or older, you must refuse them service.

You must also cooperate with a liquor inspector if the inspector asks you or your staff to determine whether a person is a minor.

You are encouraged (but not required) to retain identification that is clearly false and to turn it over to your liquor inspector. Where possible, the inspector will return the identification to the agency that

issued it. (If the patron insists you return the ID, you should do so, but we encourage you

### Physical signs of intoxication:

- red or bloodshot eyes
- dishevelled appearance
- odour of liquor
- unsteadiness on feet
- staggering
- exaggerated care in walking
- slurred speech, and/or
- fumbling with small objects such as money.

### Mental signs of intoxication:

- lack of alertness
- exaggerated emotions
- aggression, and/or
- irrationality



to take a photocopy of it first to give to your liquor inspector.)

To verify identification,  
ask the person for:

- A sample signature to compare to the signature on the photo identification.
- His or her zodiac sign-people with false identification often will be unable to answer quickly.
- His or her middle name and how to spell it.
- Information that is on the identification, such as the person's address or postal code.

# Advertising Your Business

## What You May Advertise

You may advertise:

- the name and location of your store
- that you are a retail wine store
- your hours of sale
- the type of wines you sell, and/or
- manufacturer names, brand names and prices.

Your ads cannot:

- encourage liquor consumption or irresponsible drinking
- use pictures of minors, or personalities, images or activities that may appeal to minors
- show people drinking or anyone who is either intoxicated or behaving irresponsibly or illegally
- suggest that customers will be provided with free liquor (other than tastings).

with local government bylaws. Signs are considered to be advertisements and must comply with the advertising terms and conditions outlined in the preceding section on advertising. All permanent signs, whether inside or outside your store, must be approved by the Liquor Control and Licensing Branch before you put them up. In addition to these provincial rules you must abide by the CRTC rules as found in APPENDIX 2.

### Your signs may display:

- the name of the establishment
- the kind of wines you offer (including manufacturer and brand names)
- your wine prices, and/or
- your hours of sale

## Where You May Advertise

You may advertise your store in newspapers, magazines and periodicals, or on television, radio or the Internet. You can put up signs, and print pamphlets or brochures, including graphics and pictures of your store.

## Store Names and Signs

To avoid confusion with Liquor Distribution Branch stores, you may not call your store a "B.C. Liquor Store," "Government Liquor Store" or just "Liquor Store." You may call yourself a "Wine Store."

Any signs, including a sign bearing the name of your establishment, must comply

# Relationships with Wineries and Their Agents: Rules for Independent Wine Stores, VQA Wine Stores and Tourist Wine Stores

## Activities Not Permitted

You may not ask for or receive benefits for selling a particular wine - for example, you may not demand that a winery or agent supply additional bottles at either no cost or at a reduced cost, in return for purchasing their product.

You may accept information and ideas to help you improve your business, but this information must come directly from

### Please note:

This information on activities not permitted does not apply to winery-operated stores

the winery or agent, and not through an outside consultant. You must not accept advice about borrowing money or locating financing.

You are also prohibited from accepting any items, products or services from a winery or agent that are necessary for the operation of your business. This includes money, credit or other forms of financial assistance, as well as fixtures, furnishings, products, repair costs, glassware, refrigerators, shelving or permanent display structures

## Permitted Activities

### Promotional items

You may accept promotional items of nominal value, such as posters, from a winery or agent, provided it does not appear

that you are promoting a particular wine or the products of a particular winery (brand-identified or corporately identified items of a particular winery must not predominate).

You may have clothing and novelties - such as shirts, caps, key chains, etc. - with the name or brand of a particular wine or winery at fair market value, and re-sell them to your customers or employees. These items may display the name of your off-site retail wine store.

Value-added promotional items approved for government liquor stores. If a winery or agent has received approval from the Liquor Distribution Branch to offer value-added promotional items in B.C. government liquor stores, he or she may also provide those same promotional items to your wine store for the same promotion period.

All value added-promotions must follow the Liquor Distribution Branch guidelines outlined in their booklet, In-Store Marketing Program.

Value-added promotions may also include third-party coupons attached to a bottle or package by a neck tag or back label, or placed inside a case. These coupons may not be for a rebate or reduction on the purchase price of wine, for a free wine product of any kind, or for cash.

You may keep any leftover items at the end of the promotional period and continue to

offer them to your customers until they are gone; however, you may not take any promotional items for personal use or future promotions.

Promotional items are not transferable: you may not transfer items to another appointee or licensee, or to another establishment.

The winery or agent must give you a copy of the Liquor Distribution Branch's letter of approval, and you must then keep the copy on-site.

You and the winery or agent may advertise these promotions.

#### Consumer tastings

You and a winery or agent may agree to conduct a formal tasting of a particular winery's products. Sample sizes must be consistent with "tasting" and not be misconstrued with providing wine by the glass. You may decide when a consumer tasting event will take place and how long it will run and you can only have one consumer tasting event going on in your store at a time.

In addition:

- You and the winery or agent may advertise the tasting within or outside the store, using promotional materials supplied by the winery or agent.
- You may not charge the winery or agent a rental fee for demonstration space.
- You must make sure all servers are familiar with the rules governing consumer tasting at liquor stores. Servers may not serve minors or anyone who is apparently under the influence of alcohol, and may not leave open containers unattended.
- The winery or agent must purchase all products to be tasted from you. The price you charge must be no less than what you paid for the product and no more than the price you normally charge

your customers, and

- You must issue (and the winery or agent must retain) a countersigned receipt for the dollar value of sampled product.

You may serve food samples at your consumer tasting, provided they complement the wine you are tasting. You may also install kitchen equipment to prepare the food samples, provided you obtain approval from the local Environmental Health Officer before installing the equipment and serving food samples. However:

- you may not sell either the food ingredients or the final food products, and
- the focus of your business must not shift to that of a restaurant or food store.

#### Buy-Sell agreements

Under a buy-sell agreement, a liquor manufacturer or agent may loan you more expensive promotional items with the manufacturer's name or brand, such as signs or mirrors. The manufacturer may also loan you temporary display structures and related promotional items (all displays and promotional items remain the property of the manufacturer). You may also accept T-shirts, hats and other promotional clothing items with a manufacturer's name or brand on them to give away to your customers. You must not take any promotional items for personal use or future promotions, and you cannot sell them.

All promotional items and displays must be individually listed in your buy-sell agreement. The agreement must also identify a specific time for the loan or promotion (six months, for example), and the manufacturer must remove all promotional materials at the end of the identified time period.

This section does not apply if you are a winery-operated store in relation to your winery's promotional items. There is a sample buy-sell agreement in APPENDIX 3.

# APPENDIX 1:

## Making Changes to Your Appointment

### Changes that Require Approval from the General Manager

#### Permanent change

You must apply for a permanent change if you want to:

- change the name of your business
- change your hours of sale
- transfer an appointment
- transfer shares either externally to new shareholders, or internally between current shareholders, if you are a private corporation
- add a receiver or executor, and/or
- change of partners.

#### Structural alteration or enlargement

You must apply for a structural change if you want to:

- change the layout or size of your store.

#### Transfer of location

You must apply for a transfer of location if you want to:

- re-locate your business.

(Where multiple certificates have been issued at one location, restrictions relative to relocating appointments may apply)

#### Third-party or resident manager change

You must apply for a third-party operator or resident manager change if you want to:

- change (or add) a third-party operator or management firm operating your off-site retail wine store, and/or
- change (or add) a resident manager

#### Temporary change

You must apply for a temporary change if you want to make a change or changes for a relatively short period - usually for a special event or to allow time for renovations or structural alterations.

# Application Forms, Documentation and Other Required Approvals

The application form, documentation and approvals you will need to make a change will depend on the type of change you are asking for. For example:

- To alter the structure or layout of your store, you will need an Application for a Structural Change, and supply large scale floor plans.
- To change or add a third-party lessee or management firm, you will need an Application for a Third-Party Operator and are required to provide a range of company documents and a completed criminal record search form for each new individual Beverages
- To change or add a resident manager, you will need a Resident Manager Application and are required to provide a completed criminal record search form for the new individual, and/or.
- To transfer shares, you will need an application for a Permanent Change to a Liquor Appointment, and all shareholders will need to agree to a criminal record check.

## Application forms:

Forms are available under "Liquor Licensing" on the provincial government's website:  
[www.gov.bc.ca/hisd/](http://www.gov.bc.ca/hisd/)

Or call our toll free line: 1-866-209-2111

Or e-mail us at: <http://www.gov.bc.ca/hisd/>

The individual application forms explain the documentation and/or approvals required for each type of change.

## Criminal record checks

Some changes will require that you consent to a criminal record check. To do so, you must complete both the Personal History Summary and Consent to Criminal Record Search form and the RCMP Consent for Disclosure of Criminal Record Information.

Applicants living outside of Canada, refugees and permanent residents who have been in Canada for less than five years and anyone who has been charged or convicted of a crime must also provide a statutory declaration - signed by a lawyer, Notary Public, or Commissioner for Taking Affidavits - stating that they have not been charged or convicted of a crime, or providing details of any past charges, convictions or sentences. In addition, permanent residents who have been in Canada less than five years must attach a copy of their "Record of Landing" (Form IMM 1000, Permanent Resident Card or equivalent documentation) as provided by Citizenship and Immigration Canada when they entered the country.

Once we have the required documents, we will send them on to the RCMP. They will check the person's name and birth date and other information against criminal records across Canada, and report back to us with the final results:

- If the search reveals no criminal record, we will continue to process your change request.
- If the RCMP are unable to confirm the information you provided on the statutory declaration and the search reveals a possible relevant criminal record, we will ask you to go to the local police or RCMP station to provide fingerprints. (The police may charge you a fee for this service.) Specially trained analysts will compare these fingerprints to the prints associated with the criminal record.

Even if it turns out that an applicant does have a criminal record, however, it does not mean we will automatically turn down the application. We will look carefully at the circumstances of the individual case - the severity of the crime and when it was committed, for example, and what the applicant has done to change his or her behaviour since then - and how the type of crime committed relates to the responsibilities that go with holding a Certificate of Appointment.



## APPENDIX 2:

# CRTC Code For Broadcast Advertising of Alcoholic Beverages

Commercial messages for alcoholic beverages shall not:

- attempt to influence non-drinkers of any age to drink or purchase alcoholic beverages;
- be directed at persons under the legal drinking age, associate any such product with youth or youth symbols, or portray persons under the legal drinking age or person who could reasonably be mistaken for such persons in a context where any such product is being shown or promoted;
- portray the product in the context of, or in relation to, an activity attractive primarily to people under the legal drinking age;
- contain an endorsement of the product, personally or by implication, either directly or indirectly, by any person, character, or group who is or is likely to be a role model for minors because of a past or present position of public trust, special achievement in any field of endeavour, association with charities and/or advocacy activities benefiting children, reputation or exposure in the mass media;
- attempt to establish the product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of the product should take precedence over other activities;
- imply directly or indirectly that social acceptance, social status, personal success, or business or athletic achievement may be acquired, enhanced, or reinforced through consumption of this product;
- imply directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of an activity or an event;
- portray any such product, or its consumption, in an immoderate way;
- exaggerate the importance or effect of any aspect of the product or its packaging;
- show or use language that suggests, in any way, product misuse or product dependency, compulsive behaviour, urgency of need or urgency of use;
- use imperative language to urge people to purchase or consume the product;
- introduce the product in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill;
- introduce the product in such a way or at such a time as may associate the product with any activity requiring a significant degree of skill, care or mental alertness or involving an obvious element of danger;
- contain inducements to prefer an alcoholic beverage because of its higher alcoholic content;
- refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol;
- portray persons with any such product in situations in which the consumption of alcohol is prohibited; or
- contain scenes in which any such product is consumed, or that give the impression, visually or in sound, that it is being or has been consumed.

# APPENDIX 3:

## Sample Buy-Sell Agreement

### BUY-SELL AGREEMENT

#### BETWEEN

**Parties:** \_\_\_\_\_ and \_\_\_\_\_  
Liquor Manufacturer/Agent Licensee  
(licence name as shown on face of licence) (licence name as shown on face of licence)  
\_\_\_\_\_  
Liquor Manufacturer/Agent Licence Number Licensee Licence Number

**Purpose:** The contractual obligations stated below are agreed to and will be adhered to by both Parties throughout the duration of this agreement.

**Duration** (must not exceed 36 months):

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

#### Terms Agreed to by Licensee:

1. \_\_\_\_\_ hereby agrees to:  
Licensee

##### A. Purchase or order over the duration period:

Product Name	UPC	Size	Quantity/Volume

##### B. Placement of promotional items, product displays, point-of-sale or similar material:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ over the duration period.

#### Terms Agreed to by Liquor Manufacturer/Agent:

2. In return for the considerations noted above \_\_\_\_\_ agrees to:  
Liquor Manufacturer/Agent

##### A. Provide (promotional items such as mirrors, ceramic draft beer towers, menu boards, patio umbrellas, or T-shirts, hats, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ RETAIL VALUE: \$ \_\_\_\_\_

Buy-Sell Agreement - PAGE 2

B. Conduct (theme night, manufacturer's dinner, or non-LDB approved contest):

\_\_\_\_\_  
\_\_\_\_\_  
RETAIL VALUE: \$ \_\_\_\_\_

C. Implement Value-Added Promotions (on-packs, in-packs, near-packs, or coupons):

\_\_\_\_\_  
\_\_\_\_\_  
RETAIL VALUE: \$ \_\_\_\_\_

D. Other (educational events or activities):

\_\_\_\_\_  
\_\_\_\_\_  
RETAIL VALUE: \$ \_\_\_\_\_

**Conditions and Understanding:**

Promotional activities must be directed to the consumer and promotional items must be provided to or be for the principal benefit of patrons.

This Agreement shall not exclude, restrict or otherwise prohibit the licensee from carrying, selling, or displaying the products of any other liquor manufacturer/agent.

Both Parties agree to maintain, on site, certifiable copies of this Buy-Sell Agreement and any related documents for two years after their expiry date. All such documents must be available and provided, without delay, when requested by the general manager of the Liquor Control and Licensing Branch.

Buy-Sell Agreements must not exceed 36 months in duration.

Value-added items may not exceed 20% of the retail price of the liquor item being promoted.

The names of recipients of prizes over \$100 must be recorded and retained with this agreement.

Despite any provision in this agreement to the contrary, the Parties agree not to engage in any promotional activity that is not, or that ceases to be, authorized under one or more of:

- a. The Liquor Control and Licensing Act
- b. The Liquor Control and Licensing Regulation
- c. The terms and conditions to which one or more of the parties are subject to under licence from the Liquor Control and Licensing Branch.

**This Agreement and its contents have been read and are fully understood.**

**Authorized Signatory:**

_____ and _____
Liquor Manufacturer/Agent Name                      Licensee (or manager)
_____
Position or Title    Position or Title

Dated this \_\_\_\_ day of \_\_\_\_\_ 2\_\_ at \_\_\_\_\_, British Columbia.

NOTES:

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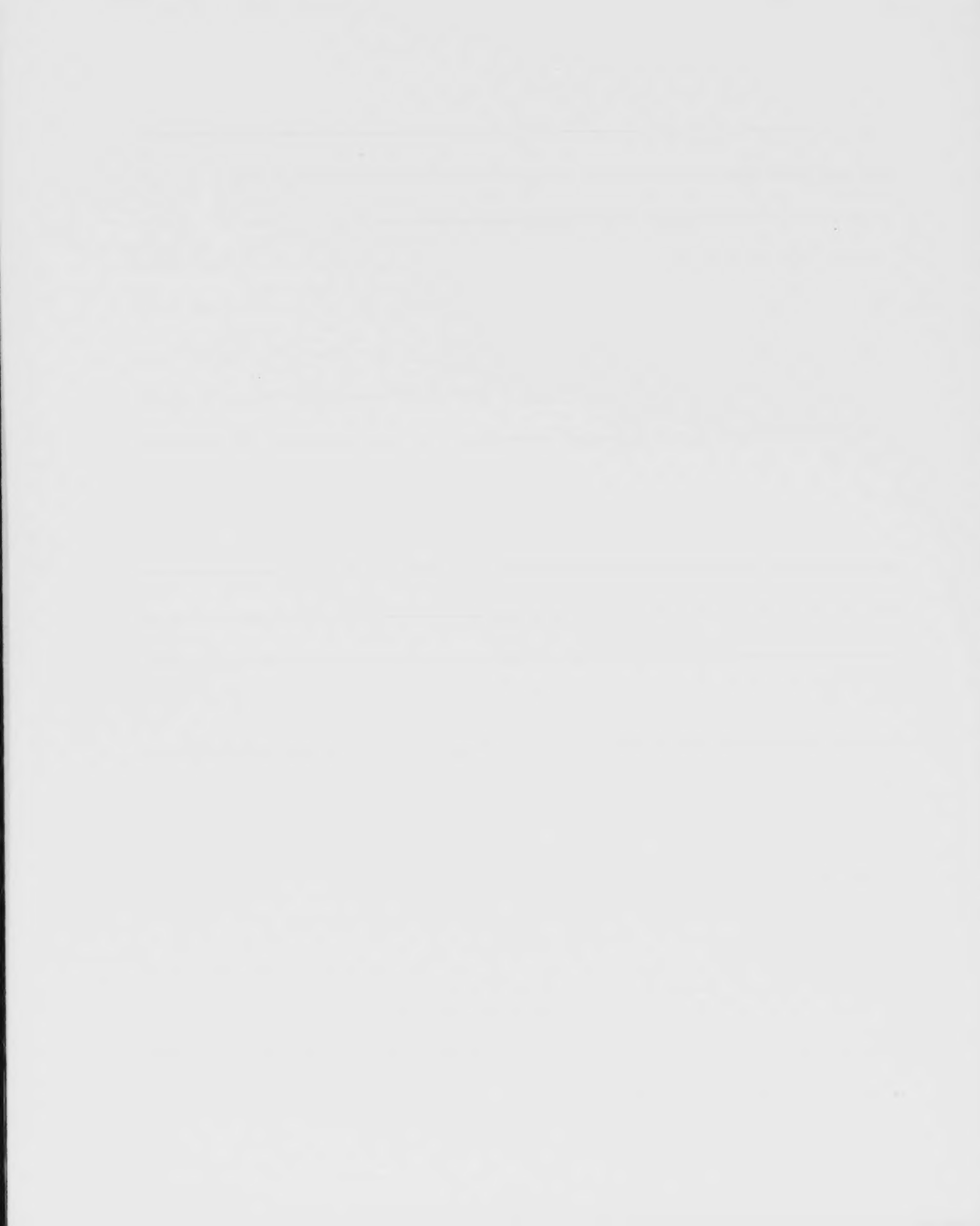
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